

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

JAMES THOR KIRK,

Plaintiff,

v.

CV 12-1157 JAP/WPL

DOCTOR ROLANDO FLORES and
OFFICER JEFFREY BURKE,

Defendants.

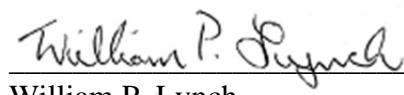
ORDER

This matter is before the Court *sua sponte*. On March 26, 2014, Kirk filed a reply (Doc. 149) to Flores's reply to Flores's *Martinez* Report. A surreply may only be filed after the Court grants the party permission to file. D.N.M.LR-Civ. 7.4(b). Kirk did not request leave of the Court prior to filing this surreply. Moreover, surreplies are only permitted in rare cases, such as when a movant improperly raises new arguments in a reply. *See King v. Knoll*, 399 F. Supp. 2d 1169 (D. Kan. 2005) (quotations omitted). In this case, the surreply does not address new arguments; it merely restates what Kirk described in his complaint and other previous filings. Accordingly, the Court will *sua sponte* strike this document from the record. *See FED. R. CIV. P. 12(f)*.

Kirk also filed a Supplemental Complaint (Doc. 109), a "Jointer" Supplemental Complaint (Doc. 143), and a Notice of Intent to Sue (Doc. 145). As stated in an order of the Court, no amendments to the complaint beyond those included in Doc. 53 will be considered except by prior order of the Court. (*See* Doc. 63 at 2.) The Court has not authorized further amendments to the complaint, and therefore, Docs. 109, 143, and 145 will not be considered.

Further, the Court reminds Kirk of D.N.M.LR-Civ. 10.7, which requires parties to submit exhibits only once and thereafter refer to exhibits by document title and filing date. The Court observes that Kirk has filed many hundreds of pages of medical records, legal records, statutes, and other documents. The Court reviews all filings in detail, and repetitious filings only serve to delay resolution of this case. Exhibits to a motion, response or reply must also not exceed fifty pages unless the parties agree otherwise. D.N.M.LR-Civ. 10.5. The Court urges Kirk to exercise discretion with his filings and comply with the Federal Rules of Civil Procedure and the Local Rules.

IT IS SO ORDERED.



William P. Lynch
United States Magistrate Judge

A true copy of this order was served
on the date of entry--via mail or electronic
means--to counsel of record and any pro se
party as they are shown on the Court's docket.